

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 52

HOUSE BILL 2374

AN ACT

AMENDING SECTION 11-361, ARIZONA REVISED STATUTES; RELATING TO THE COUNTY DEFERRED PROSECUTION PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-361, Arizona Revised Statutes, is amended to
3 read:

4 11-361. Definition of program

5 For the purposes of this article, unless the context otherwise
6 requires, "program" means a special supervision program in which the county
7 attorney of a participating county may divert or defer, before a guilty plea
8 or a trial, the prosecution of a person who is accused of committing a crime,
9 except that the county attorney may not divert or defer the prosecution of a
10 person who:

11 1. Has been previously convicted of a felony.

12 ~~2. Is accused of committing a felony involving a dangerous offense as~~
13 ~~defined in section 13-105.~~

14 ~~3. Has previously completed a program established pursuant to this~~
15 ~~article.~~ SERIOUS OFFENSE AS DEFINED IN SECTION 13-706, AN OFFENSE UNDER TITLE
16 13, CHAPTER 14, A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 OR A
17 DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705.

18 2. HAS BEEN CONVICTED THREE OR MORE TIMES OF EITHER:

19 (a) PERSONAL POSSESSION OF A CONTROLLED SUBSTANCE AS DEFINED IN
20 SECTION 36-2501.

21 (b) PERSONAL POSSESSION OF DRUG PARAPHERNALIA AS DEFINED IN SECTION
22 13-3415.

APPROVED BY THE GOVERNOR MARCH 20, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 20, 2012.

Passed the House February 21, 2012

by the following vote: 57 Ayes,

0 Nays, 2 Not Voting
1 vacant

Robert M. Tor
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate March 15, 2012

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Steve Finer
President of the Senate

Channing Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

19th day of March, 20 12

at 2:37 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 20th day of

March

at 12:58 o'clock P M.

James K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 20th day of March, 20 12

at 4:53 o'clock P M.

Ken Blumenthal
Secretary of State

H.B. 2374